

11/8/00

Bulletin No. 00-16 F

Table of Contents P.1

---

2900 Fuel Program

2900.1 Additional Funds

2901 Criteria Applied in Determining Fuel Household Membership and Eligibility

2901.1 Definitions

2901.2 Eligible Households

2901.3 Excluded Households

2902 Application for Assistance

2902.1 Application Period

2903 Resources

2903.1 Maximum Allowable Resources

2903.2 Definition of Resources

2904 Income

2904.1 Allowable Income Maximums

2904.2 Definition of Income

2904.3 Income Exclusions, Disregards, Deductions and Adjustments

2905 Verification

2906 Benefit Levels

2906.1 Reductions for Public, Subsidized, or Section 8 Housing

2906.2 Calculation of Benefits

2906.3 Fuel Program Tables

2906.4 Primary Heating Fuel Costs

2907 Benefit Issuance

2907.1 Benefit Payment Method

2907.2 Use of Payments to Certified Fuel Suppliers

2907.3 Credit Balances at the End of the Heating Season

2908 Changes in Household Circumstances

2908.1 Change of Fuel Supplier

2909 Notice of Decision and of Appeal Rights

2910 Fair Hearing

2910.1 Definitions

2910.2 Fair Hearing Rules

11/8/00

Bulletin No. 00-16 F

2900

2900      Fuel Program

The Low-Income Home Energy Assistance Act, Title XXVI of the Omnibus Budget Reconciliation Act of 1981, authorized grants to states to help eligible households with home heating expenses. This act was reauthorized, with amendment, by Title VI of the Human Services Reauthorization Act of 1984, by Title V of the Human Services Reauthorization Act of 1986, by Title VII of the Augustus F. Hawkins Human Services Act of 1990 and by Title III of the Human Services Amendments of 1994 (Public Law 103-252).

33 V.S.A. Chapter 26, "Home Heating Fuel Assistance," establishes a home heating fuel assistance program for low-income households that has both a seasonal component and a crisis component, to be administered by the Office of Home Heating Fuel Assistance.

33 V.S.A. Chapter 26, also creates a home heating fuel assistance trust fund to be composed of the receipts from any taxes dedicated to the fund and such other funds as may be appropriated to it by the General Assembly, including funds from the federal Low-Income Home Energy Assistance Program (LIHEAP).

Sections 2900 - 2913 of the Department of Social Welfare's Policy Manual provide rules for the seasonal component of the home heating fuel assistance program. Rules for the crisis component are found in sections 2950 – 2957.

The seasonal component of the Vermont home heating fuel assistance program, hereinafter referred to as the Fuel Program, provides home heating fuel assistance to households responsible for making payments for their heat directly to a fuel supplier certified by the Fuel Program. The Fuel Program also provides assistance to households whose living unit rent, fees, or charges include the cost of the living unit's primary heating source, and to households who rent one or more rooms as separate living quarters in someone else's living unit.

2900.1      Additional Funds

In the event that the department receives LIHEAP contingency funds or funds from another source between September 1 and March 31 of any state fiscal year, these funds will be allocated as follows:

- a.      an amount not to exceed 10 percent necessary for program administration, including administration of crisis assistance;
- b.      an amount not to exceed 12 percent for crisis assistance benefits; and
- c.      the remainder for seasonal assistance benefits.

The additional funds allocated to seasonal assistance will be issued to households that make payments for their home heat directly to a fuel supplier (WAM 2906 a.) and to households that make undesignated payments for their home heat in the form of rent (WAM 2906 b.). Calculation of seasonal benefit amounts will be made according to the provisions of WAM 2906, Benefit Levels, and the benefits will be distributed to certified fuel suppliers or to eligible households according to the provisions of WAM 2907, Benefit Issuance.

11/8/00

Bulletin No. 00-16F

2900.1 P.2

---

2900      Fuel Program (Continued)

2900.1      Additional Funds (Continued)

Any allocation or distribution of additional funds that is not consistent with the provisions described herein shall be made in accordance with emergency rules adopted for this purpose. Before adopting any emergency rule relating to additional funds, the department will consult with the Home Energy Assistance Task Force and all community organizations under contract to the department to operate the crisis assistance component of the program.

11/8/00

Bulletin No. 00-16

2901

2901 Criteria Applied in Determining Fuel Household Membership and Eligibility

The following subsections specify the criteria that are considered in determining the composition of a specific applicant's fuel household and other factors used in determining the applicant's eligibility for fuel assistance benefits.

2901.1 Definitions

1. Living Unit

A living unit is one or more rooms within a permanent structure that is used customarily as a domicile for one or more persons, contains bathroom and kitchen facilities specific to that living unit, and has its own private entrance from the outside or off an enclosed hallway leading from the outside that does not pass through or offer open access to any other living unit within the structure.

2. Separate Living Quarters

Separate living quarters are one or more rooms within a living unit for which a roomer (or roomer/boarder) fuel household (as defined below) provides reasonable room rent (compensation) (as defined below) to the head of household of the living unit (as defined below) in return for exclusive occupation of a designated room or rooms within the living unit. To qualify as separate living quarters the roomer fuel household must have exclusive occupation of the room or rooms the roomer fuel household uses for sleeping.

3. Head of Household

The head of household is the person, his or her spouse, or his or her civil union partner who is financially responsible for the cost of occupying the living unit or separate living quarters. In the case of home ownership, the head of household is the person whose name appears on the real estate deed for the living unit or that person's spouse or civil union partner. In the case of a tenancy based on a lease or an oral contract for payment of rent or reasonable room rent, the head of household is the person whose name appears on the lease or the person who has entered into an oral contract with the property owner (or his or her agent) to pay rent for the living unit or, in the case of separate living quarters, to pay room rent to the living unit's head of household or that person's spouse or civil union partner. In situations in which more than one person qualifies as the head of household, the head of household may be any one of the persons who qualify or the spouse or civil union partner of a person who qualifies as a head of household.

4. Fuel Household

The fuel household is one or more persons who reside in the same living unit as a single economic unit who, in common, customarily purchase energy for home heating fuel or who, in common, make undesignated payments for energy for home heating fuel in the form of rent. The rules used to establish the composition of a specific applicant's fuel household are found in

11/8/00

Bulletin No. 00-16

2901.1 P.2

2901.1 Definitions (Continued)5. Roomer (or Roomer/Boarder) Fuel Household

A roomer (or roomer/boarder) fuel household is one or more persons that pay reasonable room rent (compensation) to the living unit's head of household, his or her spouse, or his or her civil union partner for exclusive occupation of one or more rooms as separate living quarters within the head of household's living unit. The mandatory members of the roomer fuel household are:

- a. the head of household of the separate living quarters, and (if any)
- b. the spouse or civil union partner and any minor daughter or son of the head of household of the separate living quarters, and (if any)
- c. the parent of any minor daughter or son included in the roomer fuel household under b. above, and (if any)
- d. any minor daughter or son of a parent(s) included in the roomer fuel household under b or c. above, and (if any)
- e. the spouse or civil union partner of any minor included in the roomer fuel household, and (if any)
- f. any minor daughter or son of any minor included in the roomer fuel household.

Inclusion of any other person in the roomer (or roomer/boarder) fuel household shall be at the discretion of the head of household of the separate living quarters with the following exception: the roomer fuel household may not include any person who, in accordance with these regulations, is required to be included in the fuel household of the head of household of the living unit, when that person applies for fuel assistance for the same heating season.

6. Reasonable Room Rent (Compensation) for Separate Living Quarters

Reasonable room rent (compensation) for exclusive occupation of one or more rooms as separate living quarters within a living unit is any amount paid that equals or exceeds:

- a. For a household whose room rent within thirty days of receipt of their application for fuel assistance was paid by a general assistance (GA) grant from the department, the maximum amounts designated in WAM 2613.1 for weekly room rent payments, or
- b. For all other households, the amount designated in WAM 2613.1 for weekly room rent payments to a non-relative.

7. Primary Heating Source

The primary heating source is the fuel from which a household derives the largest portion of its heat. The primary heating source is considered to be shared unless the supplier of the primary fuel can, for billing purposes, identify discrete user groups within the living unit (e.g. separate

meters or storage tanks).

11/8/00

Bulletin No. 00-16F

2901.1 P.3

2901.1 Definitions (Continued)

8. Elderly

Within the context of these regulations, elderly is defined as age 60 or older.

9. Disabled

Within the context of these regulations, disabled is defined as being eligible for and in actual receipt of social security, SSI/AABD, railroad retirement, or federal employee or other pension plan benefits, based on a determination that the recipient was and remains totally and permanently or 100 percent disabled; or being a beneficiary of Vermont Medicaid coverage due to categorically eligibility based on a determination that the beneficiary was and remains totally and permanently disabled.

10. Civil Union Partner and Civil Union

Civil union partner means one member of a same-sex couple who have entered into a civil union in accordance with 15 V.S.A. chapter 23 and whose civil union has not been legally dissolved. Civil union is the legal relationship established between two same-sex individuals pursuant to 15 V.S.A. chapter 23 and 18 V.S.A. chapter 106.

2901.2 Eligible Households

Households are potentially eligible for Fuel Program benefits provided they meet the criteria defined below.

1. Residency

Applicants for assistance must occupy a living unit or separate living quarters in Vermont, as their primary residence, and intend to occupy that living unit or separate living quarters or another living unit or separate living quarters in Vermont indefinitely in order to be eligible for fuel assistance, with the following exception: migrant workers will be determined eligible for fuel assistance if they meet all other applicable eligibility requirements. The standard for primary residence is the fuel household's or roomer fuel household's occupation (or, for new Vermont residents, the household's intent to occupy) of a living unit or separate living quarters, located in Vermont, as their residence during 185 or more days of the 12-month period ending on the June 30 that immediately preceded the applicant's request for fuel assistance.

2. Income and Resources

Applicants for fuel assistance must have total fuel household income and total fuel household resources that do not exceed the allowable maximums (Welfare Procedures Manual P-2905 A). Total fuel household income and total fuel household resources are based on the combined countable income and combined countable resources, respectively, of the persons residing in the

living unit or separate living quarters who are included in the fuel household or roomer fuel household.

11/8/00

Bulletin No. 00-16

2901.2 P.2

---

2901.2     Eligible Households (Continued)

3.     Fuel Household

Whether or not a person residing in the living unit is required to be included in the fuel household is determined in accordance with the provisions specified below.

a.     Mandatory Members of the Fuel Household

The following persons are included in a fuel household based on their legal responsibility for the financial support of the head of household of the living unit or another member of the household:

- (1)     the head of household of the living unit, and (if any)
- (2)     the spouse or civil union partner and any minor daughter or son of the head of household; and (if any)
- (3)     the parent(s) of any minor daughter or son included in the fuel household under (2) above, and (if any)
- (4)     any minor daughter or son of a parent(s) included in the fuel household under (2) or (3) above, and (if any)
- (5)     the spouse or civil union partner of any minor included in the fuel household, and (if any)
- (6)     any minor daughter or son of any minor included in the fuel household.

b.     Specified Relatives of the Head of Household (Other Than Mandatory Members of the Fuel Household)

These relatives of the head of household are included in the fuel household based on the presumption that they are members of the same economic unit: mother, father, adult daughter, adult son, sister, brother, grandmother, grandfather, granddaughter, and grandson. The relatives specified herein include blood-based relationships and relationships created by adoption or marriage (for example, a father-in-law or an adult stepdaughter) or civil union.

To rebut the presumption that a specified relative is a member of the same economic unit as the head of household, the head of household must provide reasonable evidence (see Section 2905) that:

- (1)     the relative is a roomer (or roomer/boarder) who rents separate living quarters in the living unit and pays reasonable room rent (compensation) to the head of household or his or her spouse or civil union partner for the separate living quarters; or



11/8/00

Bulletin No. 00-16

2901.2 P.3

2901.2 Eligible Households (Continued)

3. Fuel Household (Continued)

- (2) the relative provides reasonable compensation for his or her separate living quarters in the form of caretaker or companionship services, which shall not be measured by a monetary standard, that the relative provides to the elderly or disabled head of household, his or her elderly or disabled spouse, or his or her elderly or disabled civil union partner; or
- (3) the relative provides medically necessary personal care or homemaker services to an elderly or disabled person who resides in the living unit, provided that the recipient of these services is not the relative's spouse or civil union partner, minor daughter or son, the other parent of the relative's minor daughter or son, or the minor daughter or son of the other parent or the relative's spouse or civil union partner; or
- (4) the relative is in the custody of and placed in foster care in the living unit by the Department of Social and Rehabilitation Services, or the relative has been placed in the living unit by or through a program administered by the Department of Developmental and Mental Health Services.

c. Other Persons Residing in the Living Unit (Including Relatives Not Addressed in a. or b. above)

All other persons residing in the living unit are included in the applicant's fuel household unless the head of household provides reasonable evidence (see Section 2905) that the person qualifies for exclusion from the fuel household based on one or more of the following four criteria:

- (1) the person is a roomer (or roomer/boarder) who rents separate living quarters in the living unit and pays reasonable room rent (compensation) to the head of household or his or her spouse or civil union partner, for the separate living quarters; or
- (2) the person provides reasonable compensation for his or her separate living quarters in the form of caretaker or companionship services, which shall

not be measured by a monetary standard, that the person provides to the elderly or disabled head of household, his or her elderly or disabled spouse, or his or her elderly or disabled civil union partner; or

Vermont Department of Prevention,  
Assistance, Transition, and Health Access

POLICY

FUEL

11/8/00

Bulletin No. 00-16

2901.2 P.4

2901.2 Eligible Households (Continued)

3. Fuel Household (Continued)

(3) the person provides medically necessary personal care or homemaker services to an elderly or disabled person residing in the living unit, provided that the recipient of these services is not the person's spouse or civil union partner, minor daughter or son, the other parent of the person's minor daughter or son, or the minor daughter or son of the other parent or the person's spouse or civil union partner; or

(4) the person is in the custody of and placed in foster care in the living unit by the Department of Social and Rehabilitation Services, or the person has been placed in the living unit by or through a program administered by the Department of Developmental and Mental Health Services.

d. Roomer (or Roomer/Boarder) Fuel Household (for purposes of qualifying for receipt of fuel assistance benefits)

A roomer (or roomer/boarder) fuel household that occupies, exclusively, one or more rooms within a living unit as separate living quarters must pay reasonable room rent (compensation), weekly or monthly, for its separate living quarters in order to be potentially eligible for fuel assistance. In-kind payment for the separate living quarters, regardless of its equivalent value, does not constitute reasonable room rent. In addition, the roomer (or roomer/boarder) fuel household's total countable income and total countable resources shall not exceed the allowable maximums (Welfare Procedures Manual P-2905 A).

e. Public, Subsidized, or Section 8 Housing Program

Households that participate in a public, subsidized, or Section 8 housing program are potentially eligible for fuel assistance provided they meet all applicable eligibility criteria. However, public, subsidized, or Section 8 households will remain potentially eligible only as long as a requirement to provide LIHEAP benefits to those housing program residents exists under federal law.

ANFC and SSI/AABD recipients are not automatically deemed to be participating in a public, subsidized, or Section 8 housing program solely as a consequence of receiving public assistance benefits.

11/8/00

Bulletin No. 00-16

2901.3

---

2901.3     Excluded Households

The following subsections specify households that are ineligible for fuel assistance.

1. Residents and operators of institutional homes and centers, including but not restricted to:

Therapeutic Treatment Centers	Nursing Homes
Religious and Fraternal Homes	Maternity Homes
Community Care Homes (also known as Residential Care Facilities)	Halfway Homes
Drug, Alcohol and Rehabilitation Centers	

2. Operators of commercial rooming houses with four or more unrel

11/8/00

Bulletin No. 00-16

2902

2902      Application for Assistance

Eligibility for Fuel Program assistance will be determined annually for the ensuing heating season after receipt of a completed and signed application submitted to the Office of Home Heating Fuel Assistance within the Department of Social Welfare.

The application must indicate all persons residing in the living unit, and the income and resources of all household members must be reported. For households that make payments for their heat directly to a fuel supplier, the application must include the identification of the supplier of the household's primary heating fuel. In addition, as required by 33 V.S.A. Chapter 26, applicants must consent to receive services from the home weatherization assistance program as a condition of receipt of benefits. The head of household must sign the application to certify that information on all household members is correct.

2902.1      Application Period

Households may apply for Fuel Program benefits during the application period. Applicants will be encouraged to apply during the primary application period to ensure that they receive the full season's benefit in as timely a manner as possible. Applicants must submit applications during the specified application period to have their eligibility determined for the Fuel Program for all or a portion of the ensuing heating season of November 1 through March 31 (see Section 2906).

1.      The primary application period begins on July 15 and ends on August 31. Applications must be received by the last day of the primary application period by the Office of Home Heating Fuel Assistance or by any of the twelve Department of Social Welfare District Offices. If mailed, receipt of the application will be the date of the postmark. If August 31 falls on a Saturday or a Sunday, the primary application period will end on the first business day in September.
2.      The secondary application period begins on September 1 and ends on the last day of February. Applications must be received by the last day of the secondary application period by the Office of Home Heating Fuel Assistance or by any of the twelve Department of Social Welfare District Offices. If mailed, receipt of the application will be the date of the postmark. If the last day of February falls on a Saturday or a Sunday, the secondary application period will end on the first business day in March.

By agreement between the Department of Social Welfare and the Department of Aging and Disabilities, certain designated Area Agencies on Aging will distribute applications and information to individuals who are age 60 or older or disabled and will assist in the completion of applications for individuals needing such assistance.

By agreement between the Department of Social Welfare and the Office of Economic Opportunity, designated Community Action Agencies may perform outreach, distribute applications, and assist in the completion of applications.

Only the Director of the Office of Home Heating Fuel Assistance or his or her designee(s) may determine eligibility and authorize payments.

11/8/00

Bulletin No. 00-16

2904.3

2904.3     Income Exclusions, Disregards, Deductions and Adjustments

Income shall not include the following:

1. Twenty percent of gross earned income from wages and of net earned income from self-employment and 100 percent of state and federal earned income tax credits (EITC).
2. Cost of dependent care as allowed in food stamp policy section 273.9d 4 and food stamp procedure section P-2590 A.
3. \$150 from the household income for each individual member who is elderly or disabled.
4. Reimbursement for employment expenses.
5. Reimbursement for other expenses incurred, such as insurance coverage of medical expenses or personal service allowances to pay for care in the home.
6. Income derived from payments received from the Department of Social and Rehabilitation Services for providing room, board, and care to children in foster care.  
  
The room-and-board portion of income received by developmental home providers furnishing qualified foster care to individuals placed by the Department of Developmental and Mental Health Services (DDMHS) or by a developmental or mental health services agency under contract with DDMHS. Compensation received in addition to that intended to cover room and board, considered difficulty-of-care payments, is earned self-employment income and is not excluded.
7. Charitable payments made on behalf of an applicant household by a private non-profit organization or public agency, such as third-party General Assistance payments.
8. Student financial assistance authorized under Title IV of the Higher Education Act or under Bureau of Indian Affairs student assistance programs.
9. Loans, except that portion of deferred payment educational loans not authorized under Title IV of the Higher Education Act or under Bureau of Indian Affairs student assistance programs and not used for tuition, mandatory fees, or other qualifying expenses (where applicable). (See also student financial assistance above and on page 2904.2 P. 2.)
10. Food Stamp Cash-Out payments, value of food stamps, and other in-kind income (earned or unearned).
11. Income actually paid in making court-ordered support or alimony payments to a non-household member.

11/8/00

Bulletin No. 00-16

2905

---

2905      Verification

- a.      When a head of household seeks to have a relative or other person excluded from the fuel household, the head of household is responsible for providing to the Office of Home Heating Fuel Assistance reasonable evidence, as defined below, that substantiates the head of household's assertion that the relative or other person qualifies for exclusion from the fuel household.
  - (1)      For a roomer (or roomer/boarder) - the head of household's rental income information collected, verified, and maintained in the Department of Social Welfare database; the head of household's most recent year's tax return showing rental income received by the head of household; a copy of the roomer's (or roomer/boarder's) lease or similar written agreement indicating the rental amount and proof of receipt of these rental payments; or a completed Department of Social Welfare form 202H "Shelter Expense Statement" and cancelled checks, money order receipts, or comparable documentation substantiating that reasonable room rent (compensation) has been paid. Reasonable room rent (compensation) must equal or exceed the amounts in Section 2901.1 6.
  - (2)      For a person providing caretaker or companionship services to an elderly or disabled head of household or the head of household's elderly or disabled spouse or elderly or disabled civil union partner - a completed form provided by the Office of Home Heating Fuel Assistance, which has been signed by the household head or his or her spouse or civil union partner who is elderly or disabled and the person providing caretaker or companionship services and specifies the services provided, the time devoted to and the frequency of their provision, the length of time the services have been provided, and other relevant terms and conditions of the living arrangement.
  - (3)      For a person providing medically necessary personal care or homemaker services to an elderly or disabled resident of the living unit (within the limits specified in 2901.2 3.(b)(3) or 3.(c)(3)) - a form provided by the Office of Home Heating Fuel Assistance, which has been completed and signed by the elderly or disabled person's physician or other licensed health care provider, and specifies the homemaker or personal care services being provided and documents their medical necessity.
  - (4)      For persons in the custody of and placed in foster care in the living unit by the Department of Social and Rehabilitation Services or persons placed in the living unit by or through a program administered by the Department of Developmental and Mental Health Services - a statement signed by an appropriate employee of the Department of Social and Rehabilitation Services or the Department of Developmental and Mental Health Services or a copy of a notice of payment or benefit change from the applicable Department that documents the foster care status.

11/8/00

Bulletin No. 00-16

2906

---

2906      Benefit Levels

Benefit levels to households are determined as follows:

- a. For eligible households that make payments for their home heat directly to a fuel supplier certified by the Fuel Program, benefits are determined under sections 2906.1 to and including 2906.4.
- b. For eligible households that make undesignated payments for their home heat in the form of rent, and that do not participate in a public, subsidized, or Section 8 housing program, an annual benefit in an amount equal to 30 percent of the annual benefit the household would have received if the household were purchasing energy for home heating fuel directly, or \$50.00, whichever amount is greater.
- c. For eligible households that make undesignated payments for their home heat in the form of rent and that participate in a public, subsidized, or Section 8 housing program, an annual benefit in the amount of \$5.00.
- d. For eligible roomer (or roomer/boarder) households that are residents of a living unit and that pay reasonable compensation in the form of room rent and who are not members of another fuel household, an annual benefit in the amount of \$50.00

The benefit level for which a Fuel Program household is eligible is dependent on the size of the household, its income, the annual primary heating fuel cost, the level of program funds available, and the number of households eligible for a benefit.

All net benefit computations shall have cents dropped down to the next whole dollar.

2906.1      Reductions for Public, Subsidized, or Section 8 Housing

Each household that participates in a public, subsidized, or Section 8 housing program and that makes payments for their home heat directly to a fuel supplier, will have its annual primary heating fuel costs reduced by an annualized standard heating subsidy deduction prior to determining the percentage of heating costs to be met by the Fuel Program. This standard is derived from Housing and Urban Development (HUD) heating subsidy amounts, called allowances by HUD, which are developed by the Vermont State Housing Authority and are specified by housing type, fuel type, and number of bedrooms. These subsidy amounts are located in the Standard Heating Subsidy Tables in the Fuel Program section of the welfare procedures manual.

2906.2      Calculation of Benefits

Benefit amounts for eligible households are established by applying a heating cost percentage table, based on household size and income, to the household's annual primary heating fuel cost, and limiting payments to a maximum benefit amount. In no instance shall the percentage of a household's benefit exceed 90 percent of that household's fuel cost.

Benefit amounts are determined according to the following steps:



11/8/00

Bulletin No. 00-16

2906.2 P.2

---

2906.2     Calculation of Benefits (Continued)

- a.     Income eligibility of the applicant household is determined according to rules in 2904. If the income of the household exceeds the maximum allowable income for its size, the household is ineligible.
- b.     An annual primary heating fuel cost is determined for eligible households based on standard heating cost tables (referred to as “proxy tables”) identified in sub-section 2906.4 below.

For households that participate in a public, subsidized, or Section 8 housing program and make payments for their home heat directly to a fuel supplier, this annual heating cost amount is reduced by the standard heating subsidy deduction, yielding a net annual heating fuel cost.

- c.     The net annual heating fuel cost is compared to a table of minimum heating fuel costs. If the household's fuel costs for its primary heating source are equal to or less than the minimum fuel cost set forth in this table, the household will be ineligible for Fuel Program benefits.
- d.     Based on the household's size and income, a heating cost percentage is applied to its net annual primary heating fuel cost to determine what portion of that household's fuel costs can be authorized for payment as Fuel Program benefits.
- e.     The amount resulting from (d.) above is compared to a table of maximum benefit amounts. If the amount from (d.) is greater than the allowable amount specified in the table, then the household's benefit is reduced to the maximum allowable amount.
- f.     The benefit amount from (e.) above is reduced by a periodically adjusted payment rate, found in the Fuel Program section of the welfare procedures manual. This payment rate is based on the number of eligible households, their household incomes and annual primary heating fuel costs, and the amount of funds available for the Fuel Program.

If total program funds are not known at the time that the first line of credit for the heating season is issued, adjustments to payment rates for subsequent issuances may be necessary. If adjustments are necessary, payment rates will be set separately by procedure for each line of credit issuance.

- g.     In addition to the above, the following policy applies to applications based on the date of receipt.
  - i.     Households whose applications were received from July 15 through November 30, and who are found eligible, will receive one hundred percent of a season's benefit.
  - ii.    Households whose applications were received from December 1 through 31, and who are found eligible, will receive eighty percent of a season's benefit.

11/8/00

Bulletin No. 00-16

2906.2 P.3

2906.2 Calculation of Benefits (Continued)

- iii. Households whose applications were received from January 1 through 31, and who are found eligible, will receive sixty percent of a season's benefit.
- iv. Households whose applications were received from February 1 through the last day of February, and who are found eligible, will receive forty percent of a season's benefit.
- v. Households whose applications were received from March 1 through July 14 will not receive assistance.
- h. If a household makes undesignated payments for their home heat in the form of rent and does not participate in a public, subsidized, or Section 8 housing program, the benefit amount is equal to 30 percent of the amount calculated by the payment rate in (f.) and the percentage rates in (g.), or \$50.00, whichever amount is greater.

2906.3 Fuel Program Tables

The following tables are adopted for the purposes of determining benefit amounts for eligible Fuel Program applicants:

Table I	Table II	Table III	Table IV
Household Income as a Percentage of Poverty Guideline	Minimum Heating Fuel Costs	Heating Cost Percentage	Maximum Benefit Amount
115% - 125%	\$266	66%	\$500
105% - 114%	243	69%	550
95% - 104%	219	72%	600
85% - 94%	196	75%	650
75% - 84%	172	78%	700
65% - 74%	149	81%	750
55% - 64%	125	84%	800
45% - 54%	125	87%	850
Under 45%	125	90%	900

2906.4 Primary Heating Fuel Costs

The annual primary heating fuel cost is based on the following standard heating cost tables (referred to as "proxy tables"). The tables were derived from the actual home heating consumption of fuel assistance recipients and developed in consultation with experts in the home energy field. The tables provide only the cost of fuel or energy for home heat. The tables are revised no less frequently than every three years based on data supplied by certified fuel suppliers to the Office of Home Heating Fuel Assistance.

11/8/00

Bulletin No. 00-16

2907

2907      Benefit Issuance

The benefit period shall be from November 1 through March 31 or until Fuel Program funds are exhausted or redesignated to the crisis component.

Notwithstanding any other provision of rules governing the administration of the Fuel Program, payment of benefits shall be made only to the extent that funds are actually available.

In accordance with the requirements of 33 V.S.A. Chapter 26, all federal funds granted to the state for home heating fuel assistance under the Low Income Home Energy Assistance Program (LIHEAP) or other similar federal program in any current fiscal year, and all unexpended LIHEAP funds granted to the state in any prior fiscal year, shall be appropriated to the Home Heating Fuel Assistance Trust Fund for the provision of home heating fuel assistance, including program administration, under Chapter 26 of Title 33.

Any issuance of benefits after December 31 is contingent upon the availability of federal LIHEAP funds or, in their absence, the appropriation of state funds. In addition, if the total program funds are not known at the time of the issuance of the first benefit payments, adjustments to subsequent payment rates may be necessary. If adjustments to payment rates are necessary, subsequent rates will be set separately by procedures for each line-of-credit issuance.

2907.1      Benefit Payment Method

Benefit payments to households are made as follows:

- a. For eligible households responsible for making payments for their heat directly to a fuel supplier certified by the Fuel Program the annual benefit will be issued as a line of credit directly to the household's certified fuel supplier as follows:
  1. Households that applied from July 15 through August 31 will receive a single benefit no later than November 30.
  2. Households that applied from September 1 through November 30, will receive a single benefit no later than January 15. The Department will issue this benefit within 30 days of November 30 if administratively possible.
  3. Households that applied from December 1 through 31, will receive a single benefit no later than February 14. The Department will issue this benefit within 30 days of December 31 if administratively possible.

11/8/00

Bulletin No. 00-16

2907.1 P.2

---

2907.1     Benefit Payment Method (Continued)

4. Households that applied from January 1 through 31, will receive a single benefit no later than March 7. The Department will issue this benefit within 30 days of January 31 if administratively possible.
  5. Households that applied from February 1 through the last day of February, will receive a single benefit by March 31.
- b. For eligible households that make undesignated payments for energy for home heat in the form of rent the annual benefit will be issued either by a check, electronic benefit transfer (EBT), or direct deposit payable to the head of household as follows:
1. Households that applied from July 15 through August 31 will receive a single benefit by December 15.
  2. Households that applied from September 1 through November 30 will receive a single benefit no later than January 15. The Department will issue this benefit within 30 days of November 30 if administratively possible.
  3. Households that applied from December 1 through 31 will receive a single benefit no later than February 14. The Department will issue this benefit within 30 days of December 31 if administratively possible.
  4. Households that applied from January 1 through 31 will receive a single benefit no later than March 7. The Department will issue this benefit within 30 days of January 31 if administratively possible.
  5. Households that applied from February 1 through the last day of February will receive a single benefit by March 31.
- c. For eligible households that make undesignated payments for energy for home heat in the form of rent, and that participate in a public, subsidized, or Section 8 housing program, the annual benefit will be issued either by check, electronic benefit transfer (EBT), or direct deposit payable to the head of household by March 31.
- d. For eligible households that are residents of a dwelling unit and that pay reasonable compensation in the form of room rent and that are not members of another household, the annual home heating fuel assistance benefit will be issued either by a check, electronic benefit transfer (EBT), or direct deposit payable to the head of household by March 31.

11/8/00

Bulletin No. 00-16

2907.2

---

2907.2      Use of Payments to Certified Fuel Suppliers

Benefits shall be used for home heating fuel or energy purchased during the heating season from November 1 to March 31, or as otherwise permitted in this section. Under no circumstances will fuel suppliers be allowed to pay a benefit or a credit balance to a fuel household.

An eligible household that has an outstanding bill with its primary heating fuel supplier may, at its discretion, and provided that the household and its fuel supplier enter into an agreement for a budget payment plan for fuel or a repayment plan for fuel arrears, use up to 17 percent of the benefit amount for fuel delivered prior to November 1.

Under no circumstance may benefits be used to pay for repairs to a household's heating system, parts, special trip charges, or any non-heat uses.

Any credit balance outstanding on March 31 may be applied to home heating fuel or energy delivered in the month of April.

Notwithstanding the requirements described above, eligible households whose primary heating fuel is wood may use up to 100 percent of the benefit to pay for wood deliveries received prior to November 1.

2907.3      Credit Balances at the End of the Heating Season

All benefit payments remain the property of the state of Vermont until actually used by the fuel supplier for the provision of home heating fuel to eligible households.

In the event that on April 30 of any year a credit balance exists in a certified fuel supplier's account for a household that has received annual home heating fuel assistance during the previous 12 months, and the total cost of fuel delivered to the household during the previous 12 months did not exceed the total Fuel Program benefits received by the household during that same period of time, that certified fuel supplier is required to pay the amount of this credit balance to the Office of Home Heating Fuel Assistance no later than May 31 of the same year.

11/8/00

Bulletin No. 00-16

2912 P.2

---

2912      Fuel Supplier Certification (Continued)

- h.      The supplier will receive from the office a list showing:
- the supplier's customers who are eligible Fuel Program recipients for the benefit period November 1 through March 31,
  - the total amount of Fuel Program benefits authorized for each recipient,
  - how the total amount has been allocated over the heating season (the allocation schedule), and
  - the schedule of when benefits will be issued to the supplier via direct bank deposit.
- i.      The supplier agrees that each benefit payment shall function as a line of credit for home heating fuel for each eligible fuel household.
- j.      The supplier agrees that the line of credit will be used only for the cost of home heating fuel, and not for repairs, parts or special trip charges, or any non-heat uses. The supplier may draw upon the full amount of the line of credit at any time to pay for fuel delivered from November 1 to March 31. Any credit balance remaining may be carried forward to pay for fuel deliveries made in the month of April.

A Fuel Program recipient that has an outstanding bill with its primary heating fuel supplier at the time the benefit is issued may use up to 17 percent of its Fuel Program benefit to pay a portion or all of the outstanding debit balance for home heating fuel delivered prior to November 1, provided the household and its fuel supplier enter into an agreement for a budget payment plan for fuel or a repayment plan for fuel arrears. Under no circumstance can benefits be used to pay for charges for re-connection of services.

Notwithstanding the requirements described above, eligible households whose primary heating fuel is wood may use up to 100 percent of the benefit to pay for wood deliveries received prior to November 1.

- k.      For fuel suppliers that enter into budget agreements with their customers, the supplier agrees to offer to all Fuel Program recipients budget agreements for annualized monthly payments for fuel, and to enter into such agreements with interested Fuel Program recipients, provided the recipient meets accepted industry credit standards.